IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 17207 of 1995

Between:

The Management of M/s. Singareni Collieries Company Limited, represented by its General Manager, Belampalli,

Adilabad District (A.P.)

..... PETITIONER

AND

1 The Presiding Officer,
Industrial Tribunal-I, Chandra Vihar, M.J. Road, Hyderabad.
2 The Workmen of Singareni Collieries Co., Ltd., represented by

the Chief Vice President, S.C. Workers' Union (AITUC),

Bellampalli - 504 251, for Sri M. Balaraju, workman, Bellampalli.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of WRIT OF CERTIORARI after calling for the records from the first respondent in I.D.No.77 of 1989 and quash the Award passed therein dated 15-2-1994.

Counsel for the Petitioner:MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the respondent No.2: Mr.R.N.Reddy

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Certiorari to declare the order dated

15-02-1994 in I.D.No.77 of 1989 passed by the 1st respondent as illegal and arbitrary.

2 . The workman-M.Balaraju who is the 2nd respondent herein, was working as Tyndal Supervisor at the Workshop of the management. It is stated that certain complaints were received by the management against the workman as he has contravened the rules and regulations governed in allotment of quarters and also standing orders of the Company. In view of the same, the management, as a measure of punishment, suspended the 2nd respondent-workman for a period of ten days i.e. from 10-04-1987 to 25-04-1987. The matter was carried before the Presiding Officer, Industrial Tribunal-I, Hyderabad in I.D.No.77 of 1989. The Presiding Officer, after considering the respective contentions, by an award dated 15-02-1994, held that the suspension of the workman for the period from 10-04-1987 to 25-04-1987 was not justified and consequently directed the Manaagement to pay full wages to the workman -2nd respondent. Against the said order, the present writ petition has been filed.

3. On a perusal of the order impugned, it is clear that the 1st respondent-Tribunal

categorically held that the action of the Management in suspending the 2nd respondent-workman from service with effect from 16-04-1987 to 25-04-1987 and in not paying his full wages for the said period was not justified and consequently directed the management to pay wages to him for the said period.

4. I have heard the learned counsel for both the parties.

5. I am afraid, the management ought not to have filed the writ petition at all. What was directed by the Tribunal to the management was to pay full wages to the workman for 10 days instead of suspension of wages. Therefore, I am not inclined to interfere with the said findings of the Tribunal.

6. Accordingly, the writ petition is dismissed. No costs.

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27-01-2005.

Mjl/Prv

To,

1 The Presiding Officer,
Industrial Tribunal-I, Chandra Vihar, M.J. Road, Hyderabad.
2 The Chief Vice President, S.C. Workers's Union (AITUC)

Bellampalli - 504 251, for Sri M. Balaraju, workman, Bellampalli.

3. 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad.(OUT)

4. 2 CD copies.